



# Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Third Day

Thursday Morning

January 7, 2016

The invocation was offered by Pastor Scott Luck of Stones Crossing Church in Greenwood, a guest of Representative David N. Frizzell.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Frizzell.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Koch
Bacon	Lawson
Baird	Lehe
Bartlett	Lehman
Bauer	Leonard
Behning	Lucas
Beumer	Lyness
Borders	Macer
Braun	Mahan
C. Brown <input type="checkbox"/>	Mayfield
T. Brown	McNamara
Burton	D. Miller
Carbaugh	Moed
Cherry <input type="checkbox"/>	Morris <input type="checkbox"/>
Clere	Morrison
Cook	Moseley
Cox	Negele
Culver <input type="checkbox"/>	Niezgodski
Davisson	Nisly
DeLaney	Ober
Dermody	Olthoff
DeVon	Pelath
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Ellington	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken <input type="checkbox"/>
Frizzell	Saunders <input type="checkbox"/>
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
D. Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson

Torr  
Truitt  
VanNatter  
Washburne  
Wesco

Wolkins  
Wright  
Zent  
Ziemke  
Mr. Speaker

Roll Call 3: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 11, 2016, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 2 were read a first time by title and referred to the respective committees:

### HB 1103 — Hale

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

### HB 1104 — Hale

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

### HB 1105 — Hale

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

### HB 1106 — Hale

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

### HB 1107 — Hale

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

### HB 1108 — Huston

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

### HB 1109 — Huston

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1110** — Huston

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1111** — Miller D

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1112** — Miller D

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

**HB 1113** — Brown C

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**HB 1114** — Kersey

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1115** — Brown T, Brown C

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1116** — Thompson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1117** — Thompson

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1118** — Huston, Torr, Schaibley, Cook

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**HB 1119** — Rhoads

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1120** — Bauer, Clere

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1121** — VanNatter

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1122** — Nisly

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1123** — Brown C

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1124** — Pryor

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

**HB 1125** — Goodin, Bauer

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1126** — Carbaugh

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1127** — Lehman

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1128** — Wesco

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**HB 1129** — Wesco

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1130** — Wesco

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1131** — Smith M

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1132** — Dvorak

Committee on Commerce, Small Business and Economic Development

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

**HB 1133** — Dvorak

Committee on Utilities, Energy and Telecommunications

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

**HB 1134** — Dvorak

Committee on Utilities, Energy and Telecommunications

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and to make an appropriation.

**HB 1135** — Soliday

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**HB 1136** — Lehman, Carbaugh, Hale

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1137** — Stemler

Statutory Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1138** — Porter

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

**HB 1139** — Porter

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1140** — Hamm, Saunders

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1141** — Hamm, Saunders

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1142** — Hamm

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1143** — Hamm

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1144** — Lawson L

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

**HB 1145** — Forestal

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1146** — Forestal

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**HB 1147** — Smith V

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1148** — Smith V

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1149** — Smith V

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1150** — Wright

Committee on Education

A BILL FOR AN ACT concerning education.

**HB 1151** — Wright

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1152** — Wright

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

**HB 1153** — Friend, Morrison

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1154** — Braun

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1155** — Braun, Cook, Koch

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

**HB 1156** — Frizzell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1157** — Frizzell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1158** — Goodin, Lehe

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1159** — Smith V

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1160** — Smith V

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1161** — Gutwein, Burton

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT concerning pensions.

**HB 1162** — Gutwein

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1163** — Pierce

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1166** — McNamara, Bacon, Frizzell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1167** — Cherry, Brown T

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1168** — Morrison

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation and to make an appropriation.

**HB 1169** — Saunders

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1170** — Saunders

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1171** — Heaton, Mahan

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1172** — Schaibley

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1173** — Negele

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1174** — Fine

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1175** — Fine

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1176** — Kirchhofer, Zent, Macer

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1177** — Kirchhofer, Negele, Shackelford

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1178** — Carbaugh

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1179** — Harris D, Smith V

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1180** — Burton

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1181** — Burton

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

**HB 1182** — Frizzell

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1183** — Frizzell

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**HB 1184** — Ziemke, Price

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1185** — Ziemke

Committee on Public Health

A BILL FOR AN ACT concerning health.

**HB 1186** — Bartlett, Smith M

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation

**HB 1187** — Moseley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1188** — Moseley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1189** — Moseley

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

**HB 1190** — Moseley

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1191** — Price, Morrison

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1192** — Price

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1193** — Gutwein

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1194** — Truitt

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

**HB 1195** — Harman

Committee on Education

A BILL FOR AN ACT concerning education.

**HB 1196** — Harman

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1197** — Burton

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1198** — Friend, Karickhoff, Price

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1199** — McNamara, Olthoff, Steuerwald, Kirchhofer

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1200** — Zent

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1201** — Karickhoff, Lawson L, Truitt, Wright

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**HB 1202** — Karickhoff, Friend

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

**HB 1203** — Karickhoff, Goodin

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1204** — Karickhoff, DeLaney, Leonard, Errington

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1205** — GiaQuinta, Pryor

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1207** — Cook, Goodin

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1208** — Cook

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1209** — Cook, Goodin

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1210** — Carbaugh

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1211** — Carbaugh, Smaltz, Ober

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HJR 1** — Dvorak

Committee on Judiciary

A JOINT RESOLUTION proposing amendments to Articles 1, 2, 4, 5, 6, 7 and 15 of the Constitution of the State of Indiana concerning gender references.

**HJR 2** — Dvorak

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 10 of the Indiana Constitution by adding a new Section concerning finance.

**HJR 3** — Hamm, Saunders

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 2, Section 14 of the Constitution of the State of Indiana concerning elections.

**REPORTS FROM COMMITTEES****COMMITTEE REPORT**

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1003, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2015 (RETROACTIVE)] (a) The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-28-11.5-4 or 511 IAC 10-6-4, ISTEP program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2014-2015 school year, based on the ISTEP program test taken in the spring of 2015, may not be used by a school corporation as part of an annual performance evaluation of a particular certificated employee under a performance plan developed under IC 20-28-11.5-4 unless the use of the ISTEP program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2014-2015 school year would improve the particular certificated employee's annual performance rating. If ISTEP program test scores or a school's category or designation of school improvement is not used in a particular certificated employee's annual performance evaluation, the weight of all other measures used in the certificated employee's annual performance evaluation must be proportionately increased to replace measures based on the ISTEP program test or the school's category or designation of school improvement.

(c) This SECTION expires July 1, 2016."

Page 6, delete lines 1 through 15.

(Reference is to HB 1003 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

**OTHER BUSINESS ON THE SPEAKER'S TABLE****HOUSE MOTION**

Mr. Speaker: I move that House Bill 1108 be withdrawn.

HUSTON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Lyness, the House adjourned at 10:15 a.m., this seventh day of January, 2016, until Monday, January 11, 2016, at 1:30 p.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives